

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMIR MUHAMMAD, : CIVIL ACTION  
: :  
v. : :  
: :  
JO ANNE B. BARNHART, : :  
Commissioner of Social Security, : NO. 05-0238

**ORDER**

AND NOW, this 12<sup>th</sup> day of September, 2005, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Peter B. Scuderi, and upon review of the Cross Motions for Summary Judgment filed by the parties, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Plaintiff's Motion for Summary Judgment is GRANTED.
3. Defendant's Motion for Summary Judgment is DENIED.
4. The decision of the Commissioner which denied disabled insurance benefits and supplemental security income is VACATED, and this matter is REMANDED for further proceedings consistent herewith.

BY THE COURT:

*s/Thomas N. O'Neill, Jr.* \_\_\_\_\_  
THOMAS N. O'NEILL, J.